

REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application. Claims 1, 2, 4, 8, 13 have been amended. Claims 11, 12 and 14-24 have been canceled without prejudice. Claims 25-32 have been added. Thus, claims 1-10 and 13 are pending.

Objection to the Specification

The specification was objected to for containing an embedded hyperlink and/or other form of browser-executable code. Applicants have amended the specification to remove the hyperlink. Therefore, Applicants request that the objection to the specification be withdrawn.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-6, 8-18 and 20-24 were rejected as being anticipated by U.S. Patent No. 6,189,146 issued to Misra, et al. (*Misra*). Claims 11, 12, 14-18 and 20-24 have been canceled without prejudice. Therefore, the rejection of claims 11, 12, 14-18 and 20-24 is moot. For at least the reasons set forth below, Applicants submit that claims 1-6, 8-10 and 13 are not anticipated by *Misra*.

Claim 1 recites the following:

generating, on a first computer, a first license for software installed on the first computer, the first license valid for a first predetermined period of time;

generating, on a second computer, a second license for the installed software, the second license valid for a second predetermined period of time;

obtaining from the second computer the second license;

replacing the first license with the second license;

selectively refreshing the second license prior to expiration of the second predetermined period of time.

Thus, Applicants claim use of multiple licenses having associated predetermined periods of time for validity and selectively refreshing of one of the licenses. The licenses are used by the computer on which software is installed. Claim 13 is directed to a computer-readable medium and recites similar limitations.

Misra discloses a software licensing scheme. See Abstract. *Misra* discloses a license pack data structure having an expiration date field. See col. 9, lines 2-24. However, the expiration date is stored by a device *providing* licenses. See col. 8, lines 61-64. *Misra* does not disclose an expiration of a license stored on the computer to which the associated license is stored. Moreover, *Misra* does not disclose selectively refreshing a license. Therefore, *Misra* does not anticipate the invention as claimed in claims 1 and 13.

Claims 2-6 and 8-10 depend from claim 1. Claims 25-32 depend from claim 13. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2-6, 8-10 and 25-32 are not anticipated by *Misra* for at least the reasons set forth above.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 7 and 19 were rejected as being unpatentable over *Misra*. Claim 7 depends from claim 1, discussed above. As mentioned above, *Misra* does not teach or suggest use of licenses as claimed in claim 1. Therefore, whether or not XML is a useful format for communicating licenses, *Misra* does not teach or suggest the invention as claimed in claim 7. Claim 19 has been canceled without prejudice. Therefore, the rejection of claim 19 is moot.


Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-10 and 13 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Date: SEPT 30, 2002


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MARKED VERSION OF THE AMENDMENTS

IN THE SPECIFICATION

In the paragraph on page 1, lines 9-17:

Software piracy is a major problem for the software industry. An independent study released by the Business Software Alliance and the Software & Information Industry Association estimated that, of the 615 million new business software applications installed worldwide during 1998, 231 million were pirated. This represents a loss of over one-third of the licensing revenue that should have been generated, or nearly \$11 billion dollars in 1998 alone. *SIIA's Report on Global Software Piracy 1999*, page 3, May 25, 1999 (Software & Information Industry Association, 1730 M Street NW, Suite 700, Washington, D.C. 20036[, <http://www.siia.net/piracy/news/news.htm>]).

IN THE CLAIMS

1. (Amended) A method [for licensing software] comprising:

generating, on a first computer, a first license for software installed on the first computer, the first license valid for a first predetermined period of time;

generating, on a second computer, a second license for the installed software, the second license valid for a second predetermined period of time;

obtaining from the second computer the second license [as authorized by the second computer,];

[conditionally] replacing the first license with the second license[,

periodically repeating the obtaining and replacing so that the first computer remains licensed];

selectively refreshing the second license prior to expiration of the second predetermined period of time.

2. (Amended) The method of Claim 1, wherein the first and second licenses each share a unique identifier[, the unique identifier associating] to associate the first and second licenses with the first computer.

4. (Amended) The method of Claim 1, wherein obtaining further comprises:
connecting to the second computer,
providing the second computer with at least some [or all] of the data from the first license, and
exchanging the provided data from the first license for the second license.

8. (Amended) The method of Claim 2, wherein [conditionally] replacing further comprises:
matching the unique identifier of the second license to the unique identifier of the first license, and if not matched discarding the second license without replacing the first license, and
authenticating the digital signature of the second license, and if not authentic discarding the second license without replacing the first license.

13. (Amended) A computer-readable medium having computer-executable instructions for performing:
generating, on a first computer, a first license for software installed on the first computer, the first license valid for a first predetermined period of time;

generating, on a second computer, a second license for the installed software, the second license valid for a second predetermined period of time;

obtaining from the second computer the second license [as authorized by the second computer,];

[conditionally] replacing the first license with the second license[, periodically repeating the obtaining and replacing so that the first computer remains licensed];

selectively refreshing the second license prior to expiration of the second predetermined period of time.